

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHERYL CLEARY,

Plaintiff,

v.

KILOLO KIJAKAZI,
*Acting Commissioner of Social
Security,*

Defendant.

No. 1:22-CV-00031

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

MARCH 21, 2023

Cheryl Cleary filed this action seeking review of a decision by the Acting Commissioner of Social Security (“Commissioner”) denying Cleary’s claim for social security disability benefits.¹ On February 9, 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely

¹ Docs. 1, 14.

² Doc. 17.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error, clear or otherwise, in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 17) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Cleary pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.